

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 4:19-cv-10520-DHH

CHARU DESAI,
Plaintiff,

v.

UMASS MEMORIAL MEDICAL CENTER,
INC., et al.,
Defendants.

**JOINT MOTION TO EXTEND
DEADLINE FOR DISPOSITIVE
MOTIONS AND CORRESPONDING
DEADLINES**

The Parties, Plaintiff, Charu Desai, M.D., and Defendants, UMass Memorial Medical Center, Inc., UMass Memorial Medical Group, Inc., Marlborough Hospital, Max Rosen, M.D., Darren Brennan, M.D., Stephen Tosi, M.D., Karin Dill, M.D., and the University of Massachusetts Medical School, jointly request an extension of the deadlines regarding dispositive motions, and in support thereof, state as follows:

1. On December 1, 2020, the Parties filed a Joint Motion to Extend Scheduling Order (doc. 45), requesting an extension of the discovery deadlines and all corresponding case deadlines. In the Joint Motion, the Parties requested that the deadline for dispositive motions, including motions for summary judgment, be extended to February 1, 2022.

2. On February 3, 2021, the Court entered an electronic order granting the Parties' Joint Motion (doc. 46). The Court issued an Amended Scheduling Order adopting the Parties' requested fact discovery deadline, but the Order set a deadline for dispositive motions for December 1, 2021 (doc. 47). On September 9, 2021, the Court set a hearing on summary judgment motions for February 7, 2022 (doc. 56).

3. The Parties have acted diligently in conducting extensive discovery and have now completed fact and expert discovery, following the depositions of James F. Gruden, M.D., and Ella A. Kazerooni, M.D., on August 31, 2021, and September 21, 2021, respectively. In addition, the Parties engaged in mediation in an effort to resolve the action, attending a mediation conference on August 10, 2021.

4. Due to the Parties' recent efforts having been dedicated to pursuing mediation and engaging in substantial expert discovery, additional time is necessary for Defendants to adequately prepare motions for summary judgment. While the Parties have engaged in good faith discussions to narrow the issues in this action, which have resulted in Plaintiff's dismissal of an individual Defendant and multiple claims, there remain several complex claims against several Defendants. Based on the diversity and complexity of the claims and the extensive discovery conducted, substantial resources are necessary to dedicate to fully briefing these matters to the Court, which will be addressed in multiple motions by the various Defendants.

5. Additionally, the timing of the deadline for motions for summary judgment and the corresponding deadlines for responses in opposition and potential reply memoranda fall over the Thanksgiving and December holidays, for which all counsel have personal obligations, which will interrupt and reduce the time within which to prepare motions and other papers.

6. In order to permit the Parties the ability to prepare summary judgment papers and to be able to fully brief these matters to the Court, additional time is necessary, as anticipated by the Parties and jointly requested.

7. Accordingly, the Parties request that the deadline for the filing of dispositive motions be extended from December 1, 2021, until February 1, 2022.

8. As Plaintiff anticipates that, based on the scope of the matters raised in Defendants' multiple motions for summary judgment, additional time beyond the 21 days provided for in Local Rule 56.1 for opposition memoranda will be required, the Parties request that the deadline for responses in opposition to motions for summary judgment be set for 45 days following the filing of such motions. Further, the Parties request that reply memoranda be due to be filed within 21 days following the service of responses in opposition to summary judgment.

9. The Parties request that the hearing presently scheduled for February 7, 2022, be rescheduled and set for a date following the filing of summary judgment papers.

10. There is good cause for this request, and the requested extension is being made in good faith and will not prejudice any party or the Court.

WHEREFORE, the Parties respectfully jointly request that this Court extend the deadline for the filing of dispositive motions until February 1, 2022, that responses in opposition be filed within 45 days following service, and reply memoranda be filed within 21 days later.

Respectfully submitted,

CHARU DESAI

By her attorneys,

/s/Patricia A. Washienko

Patricia A. Washienko, Esq., BBO # 641615
Freiberger & Washienko, LLC
211 Congress Street, Suite 720
Boston, Massachusetts 02110
Telephone: 617-723-0008
Fax: 617-723-0009
pwashienko@fwlawboston.com

**UMASS MEMORIAL MEDICAL CENTER,
INC.; UMASS MEMORIAL MEDICAL
GROUP; MARLBOROUGH HOSPITAL;
MAX ROSEN, M.D.; DARREN BRENNAN,
M.D.; STEPHEN TOSI, M.D.; and KARIN
DILL, M.D.**

By their attorneys,

/s/Reid M. Wakefield

Robert L. Kilroy, Esq., BBO # 636853
Reid M. Wakefield, Esq., BBO # 569026
Mirick, O'Connell, DeMallie & Lougee, LLP
1800 West Park Drive, Suite 400
Westborough, MA 01581
Phone 508.860.1474
Fax 508.983.6261
rkilroy@mirickoconnell.com
rwakefield@mirickoconnell.com

**UNIVERSITY OF MASSACHUSETTS
MEDICAL SCHOOL**

By its attorney,

/s/Mark A. Johnson

Mark A. Johnson, BBO # 651271

Denise Barton, BBO # 675245

University of Massachusetts

Office of the General Counsel

333 South Street, 4th Floor

Shrewsbury, MA 01545

(774) 455-7300

dbarton@umassp.edu

majohnson@umassp.edu

Dated: October 25, 2021

CERTIFICATE OF SERVICE

I, Reid M. Wakefield, hereby certify that this document, filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on this day.

/s/Reid M. Wakefield

Reid M. Wakefield, Esq.

Dated: October 25, 2021